



SP03-079A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Edward Badding, et al
Serial No: 10/700,295
Filed: November 3, 2003
For: Fuel Cell Device with a Textured
Electrolyte Sheet and a Method of
Making Such Sheet

Examiner: Keith D. Walker
Group Art Unit: 1745

TERMINAL DISCLAIMER

PURSUANT TO 35 U.S.C. § 253 AND 37 C.F.R. § 1.321(a)

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Svetlana Z. Short, an attorney/agent of record for the above-captioned application, hereby declare that:

To the best of my knowledge and belief, Corning Incorporated, duly organized under the laws of the State of New York and having its principal place of business at Riverfront Plaza, Corning, New York 14831, is the only assignee of the entire right, title and interest in and to the above-identified application, Serial No. 10/700295, filed November 3, 2003, for FUEL CELL DEVICE WITH A TEXTURED ELECTROLYTE SHEET AND A METHOD OF MAKING SUCH SHEET, in the name of Corning Incorporated, as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel No. 014667, Frame Nos. 0401 and is and at all times was the only assignee of US Patent Application Serial No. 10/611507, filed June 3, 2003, for Textured Electrolyte Sheet in the name of Michael Badding et al, as indicated by assignment(s) duly recorded in the U.S. Patent and Trademark Office at Reel No. 014276, Frame No. 0410. I further represent that I have reviewed the evidentiary documents establishing the assignments and certify, that to the best of my knowledge and belief, title to the above-identified application and the United States Patent Application No. 10/611507 are in Corning Incorporated.

TERMINAL DISCLAIMER
DATE: JULY 12, 2006
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To obviate a provisional double patenting rejection, Petitioner, Corning Incorporated, hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 10/700295, which would extend beyond the expiration date of the full statutory term including any extensions of the original term, of a Patent granted from the Patent Application No. 10/611507. As used herein, the term "extension" includes the increase in the current seventeen year term of patents under the Uruguay Round Agreement Act, which provides that the term of patents in force on June 8, 1995, extends to the longer of 20 years from the patent's filing date or 17 years from its issue date. Petitioner hereby further agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent granted on application Serial No. 10/611507, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any part of any patent granted on the above-captioned application Serial No. 10/700295 prior to the end of the full statutory term of a patent granted from application Serial No. 10/611507 in the event that the later patent expires prior to its full statutory term by reason of, for example, failure to pay a maintenance fee, a holding of unenforceability, a holding of invalidity, the filing of a statutory disclaimer in whole or in part under 35 U.S.C. § 253 and 37 C.F.R. § 1.321(a), or cancellation of all claims by a reexamination certificate.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is authorized by Corning Incorporated to be charged as well as any additional fees due in connection with the filing of this response to our Deposit Account No. 03-3325. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of assignee Corning Incorporated.

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I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: _____

7/12/06

By: _____

Svetlana Short

Svetlana Z. Short

Reg. No.: 34,432

Corning Incorporated

SP-TI-3-1

Corning, NY 14831

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, Alexandria, VA 22313-1450 on

7/12/06
Date of Deposit

Svetlana Short
Signature